IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8102 of 2005

Between:

A. Veerapratap, s/o. Eswaraiah,
A.S.Peta Village & Mandal, Nellore District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,
Nellore, Nellore District.
2 The Motor Vehicle Inspector,
Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seizing the vehicle bearing registration No.AP 26 W 1462, belonging to the petitioner herein as wholly illegal, improper and unreasonable and consequently direct the respondents herein to release the Taxi Cab vehicle bearing registration No.AP26 W 1462 seized by the 1st respondent under the check report No.1295063 dt.08-04-2005 forhtwith to the petitioner herein.

Counsel for the Petitioner:SMT.M.VINOBHA DEVI

Counsel for the Respondent Nos.1 & 2: GP FOR TRANSPORT

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in seizing the petitioner's vehicle bearing Registration No.AP 26 W 1462 vide check report No.1295063 dated 08-04-2005 as illegal and arbitrary and consequently direct the first respondent to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 08-04-2005 by the first respondent on the ground that certain irregularities alleged to have been committed by him, as mentioned in the vehicle check report No.1295063.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the vehicle in question to the interim custody of the petitioner on condition of his depositing Rs.5,000/- (Rupees Five Thousand Only) and also on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the first respondent and he shall produce the vehicle as and when required by the respondents in the course of enquiry and investigation. However, it is made clear that in case the amount, if any, deposited by the petitioner is kept pending with the respondents, it shall be adjusted towards the penalty that may be imposed.

Accordingly, the Writ Petition is disposed of. No costs.

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12-04-2005

To

1 The Secretary, Regional Transport Authority,
Nellore, Nellore District.
2 The Motor Vehicle Inspector,
Nellore, Nellore District.

3. Two CCs to the Government Pleader for Transport, High Court Building, Hyderabad. (OUT).

4. Two C.D. copies.

Note:

CC by wire at party's cost.

(Bo)

sj